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Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
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www.fgc.ca.gov

June 18, 2013

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TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 300 and 313, Title 14, California Code of Regulations, relating to upland game bird hunting, which will be published in the California Regulatory Notice Register on June 21, 2013.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann

Sheri Tiemann
Staff Services Analyst

Attachment

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**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203 and 355, Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, and 356 of said Code, proposes to amend Section 300, Title 14, California Code of Regulations, relating to Upland Game Birds.

Informative Digest/Policy Statement Overview

Current regulations in Title 14, California Code of Regulations (CCR) provide general hunting seasons for taking resident game birds under Section 300(a), and for migratory upland game birds under Section 300(b). The Department is recommending four regulation changes under these sections as follows:

1. Adjust annual number of sage-grouse hunting permits by zone.

Current regulations under subsection 300(a)(1)(D)4 provide a number of permits for the general sage-grouse season in each of 4 zones. These specific numbers are replaced by a range of numbers for the 2013 season as listed below. The final number will be proposed in June after spring lek counts are completed and annual data are analyzed.

Permit ranges for sage-grouse hunting in 2013:

East Lassen: 0-50 (two-bird) permits
Central Lassen: 0-50 (two-bird) permits
North Mono: 0-100 (one-bird) permits
South Mono: 0-100 (one-bird) permits

This proposal also includes administrative changes to reflect the Department's name change and to update the web address where Internet applications for sage grouse are located.

2. Increase the possession limit to triple the daily bag limit for band-tailed pigeon, doves, common snipe, pheasant, quail, sooty/ruffed grouse, and chukar statewide.

Current regulations provide possession limits at double the daily bag for the following resident and migratory upland game birds: 300(a)(1)(A)(2) for pheasant; 300(a)(1)(B)(2) for quail; 300(a)(1)(C)(2) for chukar; 300(a)(1)(E)(2) for sooty/ruffed grouse; 300(b)(1)(A)(2) for band-tailed pigeon; 300(b)(1)(B)(2) for doves; and 300(b)(1)(C)(2) for common snipe. This proposal would increase possession limits to triple the daily bag for each of these species or groups of species as referenced in the above sections.

3. Establish an early archery season for pheasants.

Current regulations provide for a 44-day general pheasant season (300(a)(1)(A)(1) and 60-day archery pheasant season (300(a)(2)(A)(1). The general pheasant season was increased from 30 days to 44 days in the early 2000s. However, the 60-day archery season was not changed at the same time. The net result was a decrease from 30 days to 15 days of archery-only hunting. This proposal provides two options for additional quality archery-only pheasant hunting opportunity by establishing an early archery-only season. Option A is proposed by the

Department and provides an early archery season beginning the second Saturday in October extending for 23 days and eliminating the current late archery season. Option B provides an early archery season beginning the second Saturday in October and extending for 9 days, with a bag limit of 2 males per day, and maintaining the current late archery season.

4. Open Eurasian collared-dove season year-round in Imperial County.

Current regulations provide for a Eurasian collared-dove season during the same period as other doves with no bag or possession limits under section 300(b)(1)(B)1. This proposal opens the hunting season for Eurasian collared-doves year-round. Eurasian collared doves are a resident, non-native invasive species not covered under the Migratory Bird Treaty Act and may be regulated by the state outside the Federal frameworks.

Minor editorial changes are also provided for consistency and clarity.

Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits provides for the maintenance of sufficient populations of upland game to ensure their continued existence.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate upland game hunting regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. When this information is available, a continuation notice will be sent to interested and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft,**

Chief, Wildlife Branch, Department of Fish and Wildlife, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There are no economic or business impacts foreseen or associated with the proposed regulation change.

- (b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:**

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California

The proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2013-2014. The best available

information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about \$964,054,000 on hunting trip-related trips and equipment expenditures in California in 2011. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase upland game populations, and subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as

effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

**Sonke Mastrup
Executive Director**

Dated: June 11, 2013

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 201, 202, and 203, Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, and 356 of said Code, proposes to amend Section 313, Title 14, California Code of Regulations, relating to Upland Game Bird Stamp.

Informative Digest/Policy Statement Overview

Current regulation in Section 313, Title 14, California Code of Regulations (CCR), require the upland game bird stamp to be affixed to a hunter's license for taking resident game birds including Chinese spotted doves, ringed turtle doves, of the family Columbidae; California quail and varieties thereof, Gambel's or desert quail, mountain quail and varieties thereof, sooty, ruffed, and sage grouse, white-tailed ptarmigan, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes; and migratory game birds including common snipe, western mourning doves, white-winged doves, and band-tailed pigeons. The implementation of the Automated License Data System eliminated the requirement of physical stamps to be affixed to the hunter's license. The proposal would update the section to be consistent with Fish and Game Code Section 3682.1 and clarifies that any person who is hunting under the authority of a junior hunting license is exempt from obtaining an upland game bird hunting validation.

The benefits of the proposed regulations are concurrence with State law, sustainable management of the upland game bird resources, positive impacts to jobs and/or businesses that provide services to upland game bird hunters will be realized with the continuation of selling upland game bird hunting validations for the hunting season in 2013-2014.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The Commission has searched the California Code of Regulations and has determined that there are no other regulations that are neither inconsistent nor incompatible with the proposed regulations.

The Department's proposal is as follows:

Amend the current language to "Any licensed hunter taking resident game birds including Chinese spotted doves, ringed turtle doves, of the family Columbidae; California quail and varieties thereof, Gambel's or desert quail, mountain quail and varieties thereof, sooty, ruffed, and sage grouse, white-tailed ptarmigan, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes; and migratory game birds including common snipe, western mourning doves, white-winged doves, and band-tailed pigeons must have a current state upland game bird hunting validation in his or her possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section."

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. When this information is available, a continuation notice will be sent to interested and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Wildlife, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative

to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulation is intended to provide clarity to the hunting public.

The fees that hunters pay for licenses and stamps are used for conservation, which helps create a cleaner environment.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: June 11, 2013